

UNITED STATES DISTRICT COURT
DISTRICT OF NEW MEXICO

PETE V. DOMENICI UNITED STATES COURTHOUSE
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ALBUQUERQUE, NEW MEXICO 87102
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JAMES O. BROWNING
District Judge

January 23, 2018

VIA CM/ECF

Eric D. Norvell
Eric D. Norvell, Attorney, P.A.
500 Marquette Avenue NW, Suite 1200
Albuquerque, New Mexico 87102

Alfred A. Park
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6100 Uptown Boulevard NE, Suite 350
Albuquerque, New Mexico 87110

Re: Dennis P. Rivero, M.D. v. Board of Regents of the University of New Mexico
No. CIV 16-0318 JB/SCY

Counsel:

I want to bring a matter to your attention. I have, with my law clerks, reviewed the Judicial Code of Conduct and do not believe this matter requires me to recuse myself. I want everyone, however, to be fully informed and comfortable with my participation in the case.

In the fall of 2017, I co-taught a class at the University of New Mexico School of Law called "Church and State" with Andy Schultz. We have taught the class together on four other occasions. We taught similar classes from January until May in 2010 and 2012, and in the fall of 2006 and of 2015.

In addition to weekly classes, Mr. Schultz and I usually have to meet once before the semester begins to discuss the curriculum and once after the semester ends to grade papers. We also usually invite the students to one of our homes for the last class, food, and refreshments.

Counsel of Record

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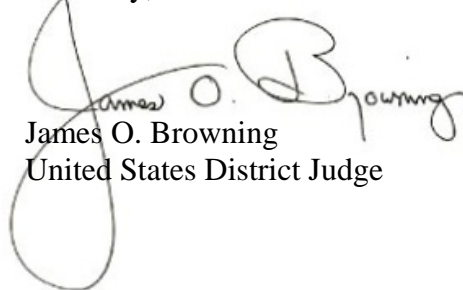
The last class was at my home on November 21, 2017, and both Mr. Schultz and his wife were present. We met on January 6, 2018 to grade papers and assign grades. To my knowledge, we are done with the class.

I waive my pay for the class. In exchange, UNM gives me a student to help me write a law review article and he or she receives my pay. The student helping me last fall may do some more work on the article in the future. I also have made him an offer to serve as my law clerk for 2019-2020 and he has orally accepted.

I believe that I can be fair and impartial. I see no reason to recuse myself. Please call my Courtroom Deputy Clerk, Michelle Behning (505-348-2289), if anyone objects. I have instructed Ms. Behning not to tell me who calls. If anyone objects, or has any questions, we can perhaps, have a telephonic conference. If Ms. Behning does not receive any calls, I will proceed to handle the case.

Best regards.

Sincerely,

A handwritten signature in black ink, appearing to read "James O. Browning". The signature is stylized with a large, looping initial "J" and a distinct "O" before the last name. The ink is slightly faded and the paper shows some texture.

James O. Browning
United States District Judge